

REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the previous Final Office Action, and for the citation of references, which have been studied with interest and care.

This Amendment is in response to the Final Office Action mailed July 12, 2004. In the Office Action, the Examiner objected to claim 4, 6, and 9 and rejected claims 1, 2, 7 and 8 under 35 U.S.C. § 102, and claims 3, 5 and 10 under 35 U.S.C. § 103.

Particularly, claims 1, 2, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application No. (US 2001/0040752) issued to Szita et al., claim 3 stands rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Szita, and claims 5 and 10 stand rejected as being allegedly obvious over Szita in view of U.S. Patent Application No. (US 2003/0133217) issued to Nunnelley and U.S. Patent No. 6,538,838 issued to Sacks et al.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claims 4, 6, and 9 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claims 1 and 7 to include all of the limitations of dependent claims 4 and 9, respectively. Applicant has cancelled dependent claims 4 and 9, without prejudice. Further, Applicant has added new independent claim 12 that includes all of the limitations of original dependent claim 6 (cancelled without prejudice) as well as new claims 13-15 that depend therefrom. Applicant respectfully requests that amended independent claims 1, 7, and 12 and all the claims that depend therefrom be allowed.

Conclusion


In view of the remarks made above, it is respectfully submitted that pending claims 1-3, 5, 7, 8, 10, and 12-15 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 10/12/2004

By


Eric T. King

Reg. No. 44,188

Tel.: (714) 557-3800 (Pacific Coast)

Attachments

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

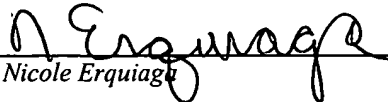
MAILING

FACSIMILE

☒ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

☐ transmitted by facsimile to the Patent and
Trademark Office.

Date: 10/12/2004


Nicole Erquiaga

Date 10/12/04